IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13643 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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A.M.T.S. - Petitioner(s)

Versus

MAHMAND SHAKIL NIZAMBHAI SHAIKH - Respondent(s)

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Appearance :

MR HS MUNSHAW for Petitioner(s) : 1,
MR VM DHOTRE for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 13/01/2006

ORAL JUDGMENT

1. This petition is directed against the order dated 10th April 2002 passed by the Industrial Tribunal, Ahmedabad, below Exh.13 in Complaint (IT) No.239 of 2001 directing the petitioner to pay subsistence allowance to

the respondent.

2. The short facts of the case are that the respondent herein was working as daily wage conductor. An FIR was filed against him and he was detained by the police for nearly six months on the ground of printing bogus AMTS tickets. Since the respondent was a daily wager, he was not paid subsistence allowance like other regular employees. The respondent, therefore, approached Industrial Tribunal by filing Complaint IT No.239 of 2001. He has also filed an application below Exh.13 wherein the impugned order came to be passed.

3. While admitting this petition this Court had stayed the impugned order.

4. Heard the learned counsel for the parties. As a result of hearing and perusal of the record I am of the view that it would be in the interest of the parties to direct the Tribunal to decide the main complaint within a stipulated period of time while continuing the interim relief granted in this petition instead of proceeding with the matter on merits in which case the observations which may be made by this Court may prejudice the case of

either parties.

5. In the premises aforesaid, the Industrial Tribunal is directed to hear and dispose of the pending Complaint within a period of one year from the date of receipt of writ of this Court. The interim relief granted by this Court shall continue till the final disposal of the Complaint. Rule is made absolute accordingly with no order as to costs.

[K.S. JHAVERI, J.]

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